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**OCT 16 2006**

**OFFICE OF PETITIONS**

In re Application	:
Lindsay, et al.	:
Application No. 09/659,306	: DECISION ON APPLICATION
Filed: September 12, 2000	: FOR PATENT TERM ADJUSTMENT
Atty Docket No. 659/718	:

This is a decision on the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed July 13, 2006. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one thousand, two hundred eighty-one (1281) days to one thousand, two hundred seventy-eight (1278) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one thousand two hundred seventy-eight (1278) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 12, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date was one thousand, two hundred eighty-one (1281) days.

The Office initially determined a patent term adjustment of one thousand, two hundred eighty-one (1281) days based on an adjustment for PTO delay of one thousand, two hundred eighty-one (1281) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by zero (0) days of applicant delay. The PTO delay of 1281 days has been reviewed and found to be correct.

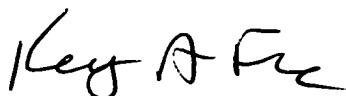
Applicants point out that they should have been assessed an additional delay of three (3) days pursuant to 37 C.F.R. § 1.704(b) for filing a late response to a Notice to File Missing Parts. The Office mailed a Notice to File Missing Parts on November 17, 2000. Applicant filed a reply on February 20, 2001. Although the reply was made timely for purposes of avoiding abandonment by obtaining a one month extension of time and including a Certificate of Mailing dated February 15, 2001, the reply was not timely pursuant to 37 C.F.R. 1.704(b). Accordingly, three (3) days of applicant delay should have been assessed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **one thousand, two hundred seventy-eight (1278) days** (1281 days of PTO delay, reduced by 3 days of applicant delay).

No fee has been charged. The Office thanks applicants for their good faith and candor in bringing this matter to the Office's attention.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Revised PAIR Screen

Day : Saturday  
Date: 10/14/2006

# **PALM INTRANET**

Time: 14:03:04

PTA Calculations for Application: 09/659306					
Application Filing Date:		09/12/2000	PTO Delay (PTO):		1281
Issue Date of Patent:			Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		0
Post-Issue Petitions:		0	Total PTA (days):		1278
PTO Delay Adjustment:		-3			
File Contents History					
Number	Date	Contents Description	PTO	APPL	START
46	10/14/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		3	
31	04/12/2006	MAIL NOTICE OF ALLOWANCE			
30	04/11/2006	ISSUE REVISION COMPLETED			
29	04/10/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
28	04/10/2006	CASE DOCKETED TO EXAMINER IN GAU			
27	04/10/2006	NOTICE OF ALLOWABILITY			
26	10/21/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	01/03/2006	NEW OR ADDITIONAL DRAWING FILED			
24	01/12/2006	DATE FORWARDED TO EXAMINER			
23	01/03/2006	RESPONSE AFTER NON-FINAL ACTION			
22	10/21/2005	REFERENCE CAPTURE ON IDS			
21	10/21/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	10/05/2005	MAIL NON-FINAL REJECTION			
19	10/03/2005	NON-FINAL REJECTION			
18	07/05/2005	DATE FORWARDED TO EXAMINER			
17	06/27/2005	RESPONSE AFTER NON-FINAL ACTION			
16	05/16/2005	MAIL NON-FINAL REJECTION	1281		-1
15	04/19/2005	NON-FINAL REJECTION			
14	04/18/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	04/18/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	05/30/2002	REFERENCE CAPTURE ON IDS			
11	05/30/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

10	04/03/2002	REFERENCE CAPTURE ON IDS			
9	04/03/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	12/04/2000	REFERENCE CAPTURE ON IDS			
7	12/04/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	05/03/2001	APPLICATION DISPATCHED FROM OIPE			
5	05/03/2001	APPLICATION IS NOW COMPLETE			
4	11/17/2000	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	11/16/2000	CORRESPONDENCE ADDRESS CHANGE			
2	10/04/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/12/2000	INITIAL EXAM TEAM NN			

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#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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